



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 010-18 1425 AND 601 LAS POSITAS ROAD COASTAL DEVELOPMENT PERMIT MAY 3, 2018

APPLICATION OF CITY CREEKS DIVISION FOR CREEK RESTORATION AT ARROYO BURRO CREEK, LOCATED AT 1425 AND 601 LAS POSITAS ROAD, APN 047-010-064, -009, -065, AND 047-061-026, PARKS AND RECREATION (PR), VERONICA SPRINGS SPECIFIC PLAN (SP-9), AND COASTAL (SD-3) ZONES, GENERAL PLAN DESIGNATION (NORTH PORTION) LOW-DENSITY RESIDENTIAL AND PARKS/OPEN SPACE AND LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION (SOUTH PORTION) OPEN SPACE AND RESIDENTIAL (MST2017-00733)

The project would restore 1,400 linear feet of the creek that is degraded, eroded, and populated with non-native plant species. Man-made debris such as metal and concrete would be removed from the creek bed. New floodplain terraces would be created through the grading of 13,000 cubic yards of soil, of which 12,600 cubic yards would be exported and the remainder would be used on site. The project would potentially impact 54 arroyo willows, 2 western sycamores, and 9 eucalyptus trees. The arroyo willows and western sycamores will be preserved or relocated where feasible. The nine eucalyptus in proximity to the creek are proposed to be removed as part of this project to make way for large stature native trees like western sycamores and cottonwoods. The creek site would be re-vegetated with approximately 7,500 native plants including 550 trees. Three acres of native riparian floodplain habitat would be created as well as an acre of native planting within an adjacent oak woodland. After restoration work, creek banks would be stabilized with 100% bio-degradable erosion control materials including coconut fiber blankets and straw wattles. Wood rail fencing would be placed along the restoration area in appropriate places for visitor viewing. Two small interpretive signs would be placed on site. New water service would be required for temporary irrigation (2-5 years) to the re-vegetated areas. No new structures are proposed. Public access through the site would be maintained during the duration of the restoration project.

Project activities would take approximately five months to complete and would be implemented in the dry season (July-December). The portions of the project involving heavy equipment and grading are anticipated to take three months to complete. The landscape portion of the project is estimated to take two months to complete (November-December). The project design includes measures to address potential environmental impacts. Project funding will come from Measure B and matching grant funds from the Department of Fish and Wildlife and California Coastal Conservancy.

The discretionary applications required for this project are:

1. Coastal Development Permit (CDP2017-00013) to allow the proposed development in the Appealable/Non-Appealable Jurisdictions of the City's Coastal Zone (SBMC § 28.44.060); and
2. Design Review Approval by the Architectural Board of Review (SBMC § 22.68).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines §15333, Class 33-Small Habitat Restoration Projects; §15301(i), Class 1-Existing Facilities; and §15307, Class 7-Actions by Regulatory Agencies for Protection of Natural Resources.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, No one appeared to speak and the following exhibits were presented for the record:

1. Staff Report with Attachments, April 26, 2018
2. Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application, making the following findings and determinations:

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it would improve native riparian vegetation, wildlife habitat, and low cost coastal recreational uses in the City, and maintain public access trails as described in Section VI of the Staff Report.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the project would improve native riparian vegetation and wildlife habitat. The water quality in the creek watershed will also be improved. The project would restore four acres and 1,400 linear feet of the creek which is degraded, eroded and populated with non-native plant species. Man-made debris including metal and concrete would be removed from the creek bed. New floodplain terraces would be created. Three acres of native riparian floodplain habitat would be created as well as one acre of native plantings in the oak woodland area. The creek site would be re-vegetated with approximately 7,500 native plants including 550 trees as described in Section VI of the Staff Report.

II. Said approval is subject to the following conditions:

A. Order of Development. In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Submit an application for and obtain a Building Permit (BLD) to perform grading. Comply with condition "Project Implementation Requirements."
2. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.
3. Submit an application for a Building/Flood Development Permit.
4. Submit an application for a potable water meter and a recycled water meter.
5. Obtain and submit copies of permits from Army Corps of Engineers, Regional Water Quality Control Board and California Fish and Wildlife Department, as required.

B. Conditions Agreement. In the design, construction and operation of the project, the City shall comply with the following conditions:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on May 3, 2018 is limited to a site of approximately four-acres including 1,400 linear feet of Arroyo Burro Creek within the Arroyo Burro Open Space Park. The

project includes removal of debris from the creek channel, grading floodplain benches, stabilizing eroding banks, removal of exotic and invasive vegetation and revegetating the site with native plants and trees, and the improvements shown on the plans signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.

2. **Uninterrupted Water Flow.** The Creeks Division shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Landscape Plan Compliance.** The Creeks Division shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan, including any tree protection measures.
4. **Pesticide or Fertilizer Usage Near Creeks.** The use of pesticides or fertilizer shall be prohibited within the project area, which drains directly into Arroyo Burro Creek except as approved by the State Water Resources Control Board, California Department of Fish & Wildlife, and the Santa Barbara Integrated Pest Management Advisory Committee.

Recycled Water Use Requirements. The State Water Resources Control Board, Division of Drinking Water (DDW), the Central Coast Regional Water Quality Control Board (RWQCB) and the Santa Barbara County Department of Environmental Health (SBCDEH) (“Regulatory Agencies”) regulate the use of recycled water. The Creeks Division shall abide by all statutes and regulations regarding recycled water use as set forth by the Regulatory Agencies and as may be subject to change from time to time. The Public Works Department, at its sole cost and expense, shall operate and maintain all facilities required for the use of recycled water on the Site.

- C. **Design Review.** The project, including public improvements, is subject to the review and approval of the Architectural Board of Review (ABR). The landscape plan shall incorporate any mitigations and avoidance and minimization measures called out in the Arroyo Burro Open Space Creek Restoration Project Habitat Preservation, Restoration, Maintenance and Monitoring Plan, Erin Markey, April 2018, and the Memorandum to Jill Zachary, City Parks and Recreation Director, dated February 20, 2018 and approved by the Parks and Recreation Director on February 22, 2018 (Memorandum) addressing tree protection and replacement and shown on the plans approved by the Planning Commission on May 3, 2018. Landscaping under the trees shall be compatible with the preservation of the trees, as determined by the ABR.
- D. **Requirements Prior to Permit Issuance.** The City shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Please note that these conditions are in addition to the standard submittal requirements for each department.
 1. **Public Works Department.**
 - a. **Approved Public Improvement Plans.** Public Improvement Plans shall be submitted to the Public Works Department for review and approval.

- b. **Haul Routes Require Separate Permit.** Apply for a Public Works permit to establish the haul route for all project-related trucks with a gross vehicle weight rating of three tons or more entering or exiting the site.
- c. **Project-Related Truck Trips.** Project-related truck trips for trucks with a gross vehicle weight rating of three tons or more shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) in order to help reduce truck traffic on adjacent streets and roadways. Truck trips shall be scheduled from 10:00 a.m. to 3:00 p.m. No more than 25 haul trucks shall be permitted per day.
- d. At submittal for Building Permit, show the floodplain and floodway boundaries on the Site Plan.

2. **Community Development Department.**

- a. **Inclusion of Avoidance and Minimization Measures.** The project shall incorporate all General and Project-Specific Avoidance and minimization measures as well as all appropriate species-specific avoidance and minimization efforts as identified in the Final Arroyo Burro Open Space Restoration Biological Site Assessment, Dudek, November 2017 and in the Arroyo Burro Open Space Creek Restoration Project Habitat Preservation, Restoration, Maintenance and Monitoring Plan, Erin Markey, April 2018, and the Memorandum to Jill Zachary, City Parks and Recreation Director, dated February 20, 2018 and approved by the Parks and Recreation Director on February 22, 2018 (Memorandum) addressing tree protection and replacement and shown on the approved plans dated May 3, 2018, in addition to City guidelines and ordinance procedures for implementing City policies.
- b. **Regulatory Agencies.** Permits issued for the project activities affecting biological resources and creek flow and associated measures identified in these permits shall be incorporated into the project.
- c. **Project Environmental Coordinator Required.** The City's Project Environmental Coordinator (PEC) shall be responsible for assuring full compliance with the provisions of all Conditions of Approval pertaining to environmental resource protections, including but not limited to air quality, noise, tree protections, as well as biological and archeological resource area protections.
- d. **Requirement for Archaeological Resources.** The following information shall be printed on the grading plans if no grading plan:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. A project archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment. Measures to protect any important resources shall be implemented, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, documentation and collection of resources, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission and consultation with a Barbareño Chumash representative.

If the discovery consists of possible prehistoric or Native American remains, or important artifacts or other materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

- e. **Tree Removal and Replacement.** The existing trees to be removed as listed and mapped in the Memorandum to Jill Zachary, City Parks and Recreation Director, dated February 20, 2018 and approved by the Parks and Recreation Director on February 22, 2018 (Memorandum) and shown on the plans approved May 3, 2018 shall be replaced on-site according to the restoration plans approved May 3, 2018 in order to maintain the site's visual appearance and reduce the impacts resulting from the loss of trees.
- f. **Tree Protection.** All trees not indicated for removal pursuant to the Memorandum and shown on the approved site plan/landscape plan shall be preserved, protected, and maintained, in accordance with the Memorandum and landscape plans/grading plans, and/or any related Conditions of Approval. Relocated trees shall also be fenced and protected during construction.
- g. **Habitat Maintenance and Monitoring Plan.** Habitat protection, site maintenance, performance criteria, monitoring and reporting shall be consistent with the Arroyo Burro Open Space Creek Restoration Project Habitat Preservation, Restoration, Maintenance and Monitoring Plan, Erin Markey, March 2018.
- h. **Protected Trees.** The following additional provisions shall apply to existing trees to be protected on site:
 - (1) No irrigation system shall be installed within three feet of the dripline of any oak tree other than temporary drip irrigation to establish plantings.
 - (2) Oak trees greater than four inches (4") in diameter at four feet (4') above grade removed as a result of the project shall be replaced according to the landscaping plan, from South Coastal Santa Barbara County Stock.
 - (3) The use of herbicides or fertilizer shall be prohibited within the drip line of any oak tree.
 - (4) No storage of heavy equipment or materials, or parking shall take place within five (5) feet of the dripline of any oak tree.
 - (5) All protected trees within 25 feet of proposed construction activity shall be fenced three feet outside the dripline for protection.
 - (6) The Project Environmental Coordinator shall be present during any excavation beneath the driplines of the trees which are required to be

protected. All excavation within the driplines of the trees shall be minimized and shall be done with hand tools.

- (7) Any roots encountered shall be cleanly cut and sealed with a tree-seal compound.
- (8) Any root pruning and trimming shall be done under the direction of a qualified Arborist.
- (9) Oak seedlings and saplings less than four inches (4") at four feet (4') above the ground that are removed during construction shall be transplanted where feasible. If transplantation is not feasible, replacement trees shall be planted at a minimum one to one (1:1) ratio. Replacement trees shall be a minimum of one (1) gallon size derived from South Coastal Santa Barbara County stock.
- i. **Tree Protection Monitoring.** The Project Environmental Coordinator shall monitor all work near protected trees during project implementation.
- j. **Contractor and Subcontractor Notification.** The Creeks Division shall notify in writing all contractors and subcontractors of the site rules, restrictions, and subcontractors of the site rules, restrictions, and Conditions of Approval. Submit a draft copy of the notice to the Planning Division for review and approval.
- k. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review as outlined in Section C "Design Review," and all elements/specifications shall be implemented on-site.
- l. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal. A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner

Date

Contractor

Date

License No.

Engineer

Date

License No.

- E. **Project Implementation Requirements.** All of these requirements shall be carried out in the field by the City and/or Contractor for the duration of the project.

1. **Neighborhood Notification Prior to Project Initiation.** At least twenty (20) days prior to commencement of vegetation removal and grading, the applicant/contractor shall provide written notice to all property owners, businesses, and residents within 300 feet of the project area and all parcels that use Alan Road for egress. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Project Environmental Coordinator (PEC) and Contractor, site rules and Conditions of Approval pertaining to construction activities, and any additional information that will assist Building Inspectors, Police Officers and the public in addressing problems that may arise during construction.
2. **Pre-Project Initiation Conference.** Not less than 10 days or more than 20 days prior to commencement of construction, a conference to review site conditions, construction schedule, construction conditions, and environmental monitoring requirements, shall be held by the General Contractor. The conference shall include representatives from the Public Works Wastewater and Water Resources Divisions, Transportation Division, Parks and Recreation Department and Creeks Division, Community Development Department, Building and Planning Divisions, Landscape Architect, Biologist, Hydrologist, Project Engineer, Project Environmental Coordinator, Contractor and each Subcontractor.
3. **Project Contact Sign.** Immediately after grading permit issuance, signage shall be posted at the park entry that list the contractor (PEC's) name, telephone numbers, work hours, site rules, and project work-related conditions. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet. Creeks Division shall check periodically that signage is legible.
4. **Project Work Hours.** Project work (including preparation for construction work) shall only be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. with the exception of truck export of soil which is limited to the hours of 10:00 a.m. and 3:00 pm. No project work shall be done on weekends or the following holidays:

New Year's Day	January 1st*
Martin Luther King, Jr. Day	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th*
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required work type or other appropriate reasons, it is necessary to do work outside the allowed, contractor shall contact the City to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel and all parcels that use Alan Road for egress, of intent to carry out

said construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

5. **Staging Area.** Prior to issuance of grading permit, provide note on Plan Sheet, “All equipment and materials shall be stored in designated staging/materials storage areas as shown on plans and not located over the water main.”
6. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
7. **Wetland and Riparian Protection.** All construction-related activities, including, but not limited to construction, storage areas, staging areas, and access routes shall be located at a maximum distance away from riparian habitat associated with Arroyo Burro, when possible. In locations where the construction activities encroach within this buffer, it is important to provide further protection to riparian vegetation and the wetland and aquatic habitats of Arroyo Burro to the greatest extent possible and implement Stormwater Pollution Management Plan measures (i.e., BMPs placement inside of the construction fencing) to protect wetland and riparian resources.
 - a. The contractor shall establish a temporary barrier around staging areas and work areas to delineate work boundaries and prevent entrance into non-impact areas. The temporary barrier shall use highly visible construction fencing to ensure that trees and other vegetation outside of work areas are avoided during construction.
 - b. When sizeable construction equipment is working near riparian vegetation, it is highly encouraged that flaggers are utilized to assist in equipment positioning to avoid impacts to non-impact riparian areas. (Dudek, BIO-5)
8. **Water Diversion/Dewatering Plan and Implementation.** Prior to the start of construction, the water diversion/dewatering plan shall be implemented as prepared to avoid and minimize impacts to special-status species and aquatic resources when the construction site is dewatered. Implementation of best management practices to prevent erosion and sedimentation during and after construction, and procedures for containing, cleaning up spills shall occur as identified. If special-status species are observed during pre-construction surveys the appropriate agencies (USFWS, NOAA NMFS, CDFW) shall be contacted immediately to discuss proper relocation of the species. (Dudek, BIO-3)
9. **Stormwater Pollution Prevention Plan (SWPPP).** Prior to the start of construction the applicant shall implement the approved SWPPP to minimize the potential for discharge of pollutants into habitat areas during construction activities. The contractor shall follow specifications, installation requirements, and locations of BMPs to control sediment, coarse particles, concrete, and other materials exposed during construction and drilling to protect aquatic, wetland, and riparian habitats adjacent to construction site. Erosion control measures shall be installed to prevent runoff of these materials into Arroyo Burro. Silt fencing, straw bales, and/or sand bags shall be used in conjunction with other methods to prevent turbid waters from entering the creek. During construction activities, washing of

concrete or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing shall not be allowed in locations where the tainted water could enter Arroyo Burro. The SWPPP installation shall include both structural and non-structural best management practices (BMPs) including straw wattles around storm drains, silt fencing and or other physical controls to diver flows from exposed soil, spill prevention methods, and clean housekeeping methods for storing and refueling machinery. The Environmental Coordinator shall monitor the site's SWPPP measures prior to the start of construction and throughout the duration of construction to ensure they continue to function properly. (Dudek, BIO-4)

10. **Habitat Preservation, Restoration, Maintenance and Monitoring Plan (HPRMMP).** The applicant shall implement all measures identified in the HRRMMP prepared by Erin Markey, dated March 2018, including habitat protection and avoidance measures as well as reporting requirements to all governing agencies. Shall other governing agencies require additional measures, those measures shall be incorporated into the HPRMMP and a copy provided to the Planning Division.
11. **Workers Educational Training.** Prior to the initiation of any site disturbance and/or construction activities, all personnel associated with the project shall attend a worker education training program conducted by a qualified biologist that covers the project limits, habitat preference(s), occupied habitat in the area, life histories, protection measures, potential direct and indirect construction impacts, law and regulations, consequences of non-compliance with those laws and regulations and a contact person (i.e. construction manager, biological monitor, and City's Project manager) in the event that protected biological resources are affected. (Dudek, BIO-15)
12. **Pedestrian Pathway.** The upper western loop of the existing pedestrian path within the park shall remain accessible to park users at all times during the creek restoration project.
13. **Floristic Surveys.** Focused floristic surveys for special-status plant species shall be conducted on the project site in accordance with USFWS, CDFW, and CNPS guidelines. Floristic guidelines indicate that surveys are required to occur in the time(s) that plants are in identifiable condition; often, flowers and/or fruit are necessary for correct identification. Based on the blooming period of the special-status plant species with potential to occur, two survey passes would be required to observe the spring and summer blooming periods (one in April and one in June). All blooming plants encountered during the surveys shall be identified to subspecies or variety, if applicable, to determine the sensitivity status. (Dudek, November 2017, Arroyo Burro Open Space Restoration Biological Site Assessment, BIO-1).
14. **Nesting Birds.** Birds and their eggs nesting on or near the project site are protected under the Migratory Bird Treaty Act and pursuing, hunting, taking, capturing, killing, or attempt to do any of the above is a violation of federal and state regulations, unless take permits are issued. No trimming or removing brush or trees shall occur if nesting birds are found in the vegetation. All care shall be taken not to disturb the nest(s). Removal or trimming may only occur after the young have fledged from the nest(s).
 - a. **Pre-Construction Nesting Bird Survey.** A pre-construction survey for nesting birds shall be conducted by a qualified biologist to determine if active nests of

special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 300 feet of the construction zone for the entire length of the Project site. The survey shall be conducted within one week prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March 1 through August 30). (Dudek, BIO-6)

- b. **Nesting Bird Buffers and Requirements.** If active nests are found, a no-construction buffer shall be established at a minimum of 100-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) around the nest site where it overlaps with work areas. Clearing and construction within no-construction buffer shall be postponed or halted, at the discretion of the biologist, until the nest is vacated, juveniles have fledged, and there is no evidence of a second attempt at nesting. In addition, all active nests shall be mapped with a GPS unit and nest locations with 100-foot buffers overlain on aerial photographs to provide regular updated maps to inform the Project manager/engineer and construction crew of areas to avoid. The City-appointed biologist shall also serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds. (Dudek, BIO-7)

15. **Southern Western Pond Turtle Surveys and Avoidance.** Prior to initiation of construction activities, focused surveys shall be conducted in aquatic habitat for western pond turtle. A minimum of four daytime surveys shall be conducted between April 1 and June 1. The survey schedule may be adjusted to reflect the existing weather or stream conditions. If western pond turtles are detected in or adjacent to the project, nesting surveys shall be conducted within the project footprint in suitable upland habitats within 1,300 feet of occupied aquatic habitat. A qualified biologist shall conduct focused, systematic surveys for western pond turtle nesting sites. Surveys will entail searching for evidence of pond turtle nesting, including remnant eggshell fragments, which may be found on the ground following nest depredation.

If a western pond turtle nesting area is found on site and would be adversely impacted by construction activities, the Applicant shall avoid the nesting area. If avoidance of the nesting area is determined to be infeasible, the authorized biologist shall coordinate with CDFW to identify whether it is possible to relocate the pond turtles. Eggs or hatchlings shall not be moved without written authorization from CDFW. (Dudek, BIO-8)

16. **California Legless Lizard, Coast Patch-Nosed Snake, and Two-Striped Gartersnake Surveys and Avoidance.** Pre-construction surveys for California legless lizard, coast patch-nosed snake, and two-striped gartersnake shall be conducted 30 days prior to the initiation of Project activities. Subject species of surveys may vary depending on timing and species' activity patterns. At any time of year when Project activities are initiated, pre-construction surveys for California legless lizard shall be conducted in riparian habitats and areas with loose sand, coast patch nosed snake in open grassland, coastal sage scrub, and open chaparral habitats, and two-striped gartersnake in streams, creeks, pools, streams with rocky beds, ponds, lakes, vernal pools. If these species are observed, a salvage and

relocation plan would be implemented to allow a qualified biologist to capture and relocate the species away from ground disturbance and into protected open space. These survey and reporting measures are often a condition of the CDFW's Streambed Alteration Agreement (SAA). (Dudek, BIO-9)

17. **Pre-Construction Bat Roosting Survey.** Conduct a preconstruction survey for roosting bats within 30 days of disturbance to existing trees. If roosting bats are present, appropriate avoidance measures shall be implemented to ensure that no impacts to roosting bats occur. (Dudek, BIO-10)
18. **Geotechnical Oversight.** An engineering geologist shall provide geotechnical and geologist oversight during the proposed bank repair process along the creek.
19. **Recycling Materials.** Concrete and pipe and wire shall be recycled if salvageable. Other debris that is not recyclable shall be disposed of at a suitable legal disposal site.
20. **Waste Material.** The contractor shall dispose of all project debris and waste materials in a safe and legal manner. Contractor shall not burn or bury waste materials on the project site. No dirt, refuse, excavated material, surplus mortar or any associated washings shall be disposed of on-site, onto City streets or into City manholes or storm drain systems.
21. **Air Quality and Dust Control.** The following measures shall be shown on grading and building plans and shall be adhered to throughout grading, hauling, and construction activities:
 - a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency shall be required whenever the wind speed exceeds 15 mph. Reclaimed water shall be used whenever possible.
 - b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
 - c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
 - d. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
 - e. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders so that dust generation will not occur.
 - f. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include all periods when work may not be in progress. The name and telephone number of such persons shall be provided to the

Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

- g. All portable diesel-powered construction equipment shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- h. Fleet owners of mobile construction equipment are subject to the California Air Resource Board (CARB) Regulation for In-use Off-road Diesel Vehicles (Title 13 California Code of Regulations, Chapter 9, § 2449), the purpose of which is to reduce diesel particulate matter (PM) and criteria pollutant emissions from in-use (existing) off-road diesel-fueled vehicles. For more information, please refer to the CARB website at www.arb.ca.gov/msprog/ordiesel/ordiesel.htm.
- i. All commercial diesel vehicles are subject to Title 13, § 2485 of the California Code of Regulations, limiting engine idling time. Idling of heavy-duty diesel construction equipment and trucks during loading and unloading shall be limited to five minutes; electric auxiliary power units should be used whenever possible.
- j. Diesel construction equipment meeting the California Air Resources Board (CARB) Tier 1 emission standards for off-road heavy-duty diesel engines shall be used. Equipment meeting CARB Tier 2 or higher emission standards should be used to the maximum extent feasible.
- k. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- l. If feasible, diesel construction equipment shall be equipped with selective catalytic reduction systems, diesel oxidation catalysts and diesel particulate filters as certified and/or verified by EPA or California.
- m. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- n. All construction equipment shall be maintained in tune per the manufacturer's specifications.
- o. The engine size of construction equipment shall be the minimum practical size.
- p. The equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

22. **Sewer Infrastructure.**

- a. Prior to issuance of grading permit, add note to Plan Sheet, "Protect sewer infrastructure during construction and restore to previous condition."
- b. Prior to start of grading, Contractor shall stake out sewer alignment.
- c. Prior to issuance of grading permit, add note to Plan Sheet, "No trees shall be placed within 3-feet of the sewer main or sewer structures to prevent issues for sewer maintenance in the future and to minimize disturbance to newly planted vegetation."

- d. Prior to start of grading, Contractor shall verify dimensions of exposed metallic pipe and protect in place. (This pipe may be a host pipe for a section of 15-inch PVC.)
23. **Equipment Routing On-Site.** To protect root zones of existing oak trees at the north end of the project site, equipment shall be routed on the existing upper portion of the loop path to access project areas 6-9.

F. General Conditions.

1. **Compliance with Requirements.** All requirements of the City of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations:**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All restoration work, staging areas, existing pedestrian access, pedestrian path shall be located substantially as shown on the plans dated May 3, 2018, approved by the Planning Commission.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
3. **Site Maintenance.** The project site shall be maintained and secured during the grading and revegetation work.

III. NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

- A. Otherwise explicitly modified by conditions of approval for the coastal development permit.
- B. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
- C. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

This motion was passed and adopted on the 3rd day of May, 2018 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 7 NOES: 0 ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Planning Commission at its meeting of the above date.

Krystal M. Vaughn, Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

DRAFT